

**P. ANDREW McSTAY, JR.**, OSB 033997

[andymcstay@dwt.com](mailto:andymcstay@dwt.com)

**WILLIAM D. MINER**, OSB 043636

[billminer@dwt.com](mailto:billminer@dwt.com)

**DAVIS WRIGHT TREMAINE LLP**

560 SW 10th Avenue, Suite 700

Portland, OR 97205

Telephone: (503) 241-2300

**MARCIA ROBINSON LOWRY** (*pro hac vice*)

[mlowry@abetterchildhood.org](mailto:mlowry@abetterchildhood.org)

**ANASTASIA BENEDETTO** (*pro hac vice*)

[abenedetto@abetterchildhood.org](mailto:abenedetto@abetterchildhood.org)

**LINDSAY GUS** (*pro hac vice*)

[lgus@abetterchildhood.org](mailto:lgus@abetterchildhood.org)

**A BETTER CHILDHOOD**

355 Lexington Avenue, Floor 16

New York, NY 10017

Telephone: (646) 795-4456

*Attorneys for Plaintiffs*

*Additional Counsel of Record Listed on  
Signature Page*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

WYATT B., *et al.*,

Plaintiffs,

v.

TINA KOTEK, *et al.*,

Defendants.

Case No. 6:19-cv-00556

**PLAINTIFFS' RESPONSE TO  
DEFENDANTS' OBJECTIONS TO  
PLAINTIFFS' WITNESS  
STATEMENTS**

## **GENERAL RESPONSES**

Per the direction of the Court, and because this is a bench trial, Plaintiffs understand that most evidentiary issues will be decided during the course of trial. To that end, Plaintiffs provide the following General Responses, which are incorporated below, and address most of Defendants' specific objections, which are better reserved for trial.

1. **Federal Rule of Evidence 401** Defendants object (generally and specifically) pursuant to FRE 401 that the testimony offered by Plaintiffs' witnesses is not relevant. Plaintiffs respond that the facts offered during the course of trial will be offered to make a fact more or less probable than it would be without the evidence and will be of consequence in determining the action. The Court will be able to assess the probative value at the time it is offered. For this reason, these objections should be reserved for trial.

2. **Federal Rule of Evidence 403** Defendants object (generally and specifically) that specific evidence may be prejudicial to Defendants. Plaintiffs respond that these objections are premature. The Court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading, undue delay, wasting time, or needlessly presenting cumulative evidence. This type of objection is more appropriate if the evidence is being offered to a jury. Since this is a bench trial, the Court will be able to weigh the evidence and its probative value at the time it is offered. For this reason, these objections should be reserved for trial.

3. **Federal Rule of Evidence 404** Defendants move to exclude any character evidence per FRE 404(a) or evidence of prior bad acts pursuant to FRE 404(b). The rule prohibits introducing evidence of any other crime, wrong, or act is not admissible to prove a *person's character* in order to show that on a particular occasion the person acted in accordance with the character. Plaintiffs

respond that this rule is typically used in the criminal context to prohibit a prosecutor from introducing prior crimes that could negatively prejudice a defendant. In the present case, the Defendants are not persons with character, Defendants are an institution responsible for a child welfare system that is on trial.

4. **Federal Rule of Evidence 408** Defendants object (generally and specifically) to any evidence being offered of “settlement agreements” that Defendants have entered into with individuals or classes of individuals relating to Defendants’ past conduct. Plaintiffs intend to offer evidence relating to the underlying facts that resulted in those settlement agreements, together with Defendants’ history of failing to perform under some settlement agreements. The acts, not the settlement agreements are the evidence being offered.

Additionally, Defendants appear to misread the rule. FRE 408 prohibits evidence to prove or disprove the validity of a disputed claim or to impeach by a prior inconsistent statement made in compromising or attempting to compromise “the claim”; and conduct or a statement made during compromise negotiations about “the claim.” Plaintiffs do not intend to offer any evidence regarding any offer of compromise relating to the claims at issue in this lawsuit. Rather, evidence will be offered relating to past claims, in past cases, and Defendants continued failures relating to the settlement thereof. FRE 408 is inapplicable to the evidence being offered.

5. **Federal Rule of Evidence 602** Defendants object (generally and specifically) pursuant to FRE 602 that Plaintiffs’ witnesses lack personal knowledge. Plaintiffs respond that the facts offered by witnesses at trial will be based on those witnesses personal knowledge and experience. Plaintiffs’ witnesses are children, parents, juvenile attorneys, advocates and legislators. The Court will be able to assess the personal knowledge and experience of each of Plaintiffs’ witnesses at the time the testimony is offered. For this reason, these objections should be reserved for trial.

6. **Federal Rule of Evidence 701** Defendants object (generally and specifically) pursuant to FRE 701 that Plaintiffs' witnesses are providing improper opinion testimony. Plaintiffs respond that any opinions offered by lay witnesses at trial will be limited to those opinions that are: (a) rationally based on the their perception; helpful to clearly understanding the witness's testimony or to determining a fact in issue; and (c) not based on scientific, technical, or other specialized knowledge within the scope of FRE 702. The court will be able to assess the opinions of each of Plaintiffs' witnesses at the time the testimony is offered. For this reason, these objections should be reserved for trial.

7. **Federal Rule of Evidence 801 and 802** Defendants object (generally and specifically) pursuant to FRE 801 and 802 that Plaintiffs' witnesses will be testifying to improper hearsay. Plaintiffs respond that the facts offered by witnesses at trial will not be hearsay because it is either a statement by a party opponent or not being offered to prove the truth of the matter asserted. Additionally, if hearsay, it may fall within an exception pursuant to FRE 803. The Court will be able to assess the specific statement that is being offered, and the purpose of the testimony, at the time the testimony is offered. For this reason, these objections should be reserved for trial.

8. **Motions if Limine** Defendants object to Plaintiffs' witness testimony as inadmissible for the reasons explained in Defendants' Motions in Limine. Defendants' Motions in Limine should be denied for the reasons explained in Plaintiff's Response to Defendants' Motions in Limine, which will be filed on April 29, 2024, and therefore, Defendants' objections on this basis should also be rejected.

## **CATEGORIES OF WITNESSES**

1. **Lay Witnesses** In response to Defendants' objections, Plaintiffs' lay witnesses will testify at trial based on personal knowledge and their percipient observations and shall be in accordance

with FRE 701.

2. **Expert Witnesses** Plaintiffs have fully and properly disclosed all intended experts and their reports. To the extent Defendants have mischaracterized lay witness testimony as improper (and undisclosed) expert testimony, the testimony being offered by lay witnesses will be in accordance with FRE 701.

3. **Adverse Witnesses** Plaintiffs have provided witness statements describing the anticipated testimony of adverse witnesses. ECF 413. Plaintiffs are fully entitled to designate deposition testimony of Rebecca Jones Gaston for use during Plaintiffs' case in chief.

4. **Undisclosed Witnesses** Plaintiffs disclosed the names of youth witnesses once the Court entered the amended stipulated protective order, as was discussed between the parties. Defendants have been in no way prejudiced by the timing of the disclosure.

## PLAINTIFFS' RESPONSE TO OBJECTIONS – INDIVIDUAL WITNESSES

### 1. Anna Abraham (Citizen Review Board), Fact Witness – Page 2

Anna Abraham		
Testimony	Defendants' Objections	Plaintiffs' Response
Placement stability remains a "huge problem" in Child Welfare	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Experiences of individual children with multiple placements	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

Anna Abraham		
Testimony	Defendants' Objections	Plaintiffs' Response
ODHS's use of temporary lodging, including with respect to children with disabilities, and the duration of children's stays in temporary lodging	<b>FRE 403:</b> cumulative evidence to that offered from other witnesses; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
"ODHS fails to provide children and families with adequate services"	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Wait times for mental health services	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
ODHS's "fealty" to an approved service contractor list and resulting consequences of adherence to that list	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Caseworker turnover, and its effects on children with special needs, on families, and anecdotes relating to isolated interactions with individual caseworkers	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Ms. Abraham's personal attempts to obtain reports from ODHS	<b>FRE 401:</b> lacks relevance because it does not relate to any claim or defense; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

## 2. Paul Aubry (Next Friend; attorney), Fact Witness – Page 3

Paul Aubry		
Testimony	Defendants' Objections	Plaintiffs' Response
ODHS's "failure" to provide appropriate substitute placements and an adequate number of resource homes	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
ODHS's use of temporary lodging and "TL-prevention" homes, its correlation with availability of resource homes, and the quality of services in temporary lodging	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
ODHS's "failure" to provide adequate services, including medication administration and mental health treatment	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Opinions regarding the efficacy of ODHS's medication administration and any related examples	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
ODHS's "failure" to provide timely mental health services and its reliance on referral services, particularly with respect to teenagers	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
"ODHS will make no additional efforts to meet a child's needs absent intervention from outside service providers"	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

Paul Aubry		
Testimony	Defendants' Objections	Plaintiffs' Response
Personal observations of poor caseworker performance or training	<b>FRE 401:</b> lacks relevance because it does not relate to any claim or defense; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
"ODHS severely undervalues line-level caseworkers, (and) their menial salaries (are) widely out of alignment with the job's underlying demands"	<b>FRE 401:</b> lacks relevance because it does not relate to any claim or defense; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Professional errors and/or poor outcomes and their connection to "ODHS casework deficits and failure to take accountability"	<b>FRE 401:</b> lacks relevance because it does not relate to any claim or defense; <b>FRE 404(a):</b> improper character evidence; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. Additionally, in response to the FRE 404(a) objection, the evidence being offered is not character evidence or prior bad acts; rather, it is evidence, based on the witnesses' own personal knowledge of the actions taken by Defendants and their agents that are at issue in this case.
Examples regarding "ODHS's particular animus" toward a particular mother and the impact on her child	<b>FRE 401:</b> lacks relevance because it does not relate to any claim or defense; <b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
ODHS withholds reports from juvenile counsel	<b>FRE 401:</b> lacks relevance because it does not relate to any claim or defense; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.



Paul Aubry		
Testimony	Defendants' Objections	Plaintiffs' Response
A Clatsop County judge's standing order regarding ODHS's required disclosures to third parties and the reasons for that order	<b>FRE 401:</b> lacks relevance because it does not relate to any claim or defense; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

### 3. Dr. Angelique Day (MSW), Expert Witness – Page 6

Dr. Angelique Day		
Testimony	Defendants' Objections	Plaintiffs' Response
Expert reports dated December 9, 2019; December 15, 2023.	<i>See</i> defendants' <i>Daubert</i> motion; <b>FRE 802:</b> hearsay (if plaintiffs intend to introduce expert reports as evidence)	<i>See</i> Plaintiffs' responses to Defendants' <i>Daubert</i> motion; <i>see</i> responses to Defendants' objections to Plaintiffs' exhibits.

### 4. Dr. Rose Eagle (psychologist), Fact Witness – Page 6

Dr. Rose Eagle		
Testimony	Defendants' Objections	Plaintiffs' Response
Psychological evaluations of R.L..	<b>FRE 401:</b> lacks relevance because it does not relate to any claim or defense; <b>FRE 408:</b> evidence of settlement to prove liability; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Dr. Eagle will be an opinion appropriate pursuant to FRE 701 and not being offered as expert testimony.
Descriptions of documents and information provided to her in connection to those evaluations, and documents withheld from her	<b>FRE 401:</b> lacks relevance because it does not relate to any claim or defense; <b>FRE 408:</b> evidence of settlement to prove liability; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Dr. Eagle will be an opinion appropriate pursuant to FRE 701 and not being offered as expert testimony.

Dr. Rose Eagle		
Testimony	Defendants' Objections	Plaintiffs' Response
Impact of ODHS's documentation and information on witness's clinical assessment and resulting opinion	<b>FRE 401:</b> lacks relevance because it does not relate to any claim or defense; <b>FRE 408:</b> evidence of settlement to prove liability; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Dr. Eagle will be an opinion appropriate pursuant to FRE 701 and not being offered as expert testimony.

### 5. Dr. Roxanne Edwinson (psychologist), Fact Witness – Page 7

Dr. Roxanne Edwinson		
Testimony	Defendants' Objections	Plaintiffs' Response
Inconsistent provision of stable and/or appropriate placements for children in foster care	<b>FRE 602:</b> lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Dr. Edwinson will be an opinion appropriate pursuant to FRE 701.
"Chronic" and "systemic" issues relating to inadequate resources, training and preparation	<b>FRE 602:</b> lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Dr. Edwinson will be an opinion appropriate pursuant to FRE 701.
Injuries to foster children arising from multiple placement changes, unstable caretaking, and/or mismatched placements	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Dr. Edwinson will be an opinion appropriate pursuant to FRE 701.

<b>Dr. Roxanne Edwinston</b>		
<b>Testimony</b>	<b>Defendants' Objections</b>	<b>Plaintiffs' Response</b>
Placement changes that occur with "the receiving caregivers having important information about the child."	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Dr. Edwinston will be an opinion appropriate pursuant to FRE 701.
Anecdotal testimony regarding a sibling group that was placed with "unfamiliar relatives," characterized as "a therapeutically unsound action that aggravates underlying trauma symptoms."	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Dr. Edwinston will be an opinion appropriate pursuant to FRE 701.
Observations regarding children whose mental health diagnoses and/or symptoms were "uniquely attributable" to the "volume of attachment disruptions and placement transitions" they experienced	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Dr. Edwinston will be an opinion appropriate pursuant to FRE 701.
"Standard policies" being inadequate with regard to mental health screening and services	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Dr. Edwinston will be an opinion appropriate pursuant to FRE 701.
Resource parents are often unprepared to handle children's stress-related issues, and the consequences of that lack of preparedness	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Dr. Edwinston will be an opinion appropriate pursuant to FRE 701.

<b>Dr. Roxanne Edwinston</b>		
<b>Testimony</b>	<b>Defendants' Objections</b>	<b>Plaintiffs' Response</b>
The intersection between resource parents' skills and foster children's common behavioral issues	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Dr. Edwinston will be an opinion appropriate pursuant to FRE 701.
Specific instances of "poor case planning" and its impacts on children	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Dr. Edwinston will be an opinion appropriate pursuant to FRE 701.
Observations "among many cases" regarding transitions handled with poor communication, lack of attention to children's needs, and other problems	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Dr. Edwinston will be an opinion appropriate pursuant to FRE 701.
Operations of the RAPID program and its interactions with ODHS, resource parents, and foster children	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Dr. Edwinston will be an opinion appropriate pursuant to FRE 701.
ODHS's failure to address transportation problems, language barriers, and examples of a lack of support	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Dr. Edwinston will be an opinion appropriate pursuant to FRE 701.

<b>Dr. Roxanne Edwinston</b>		
<b>Testimony</b>	<b>Defendants' Objections</b>	<b>Plaintiffs' Response</b>
Resource parents declining to continue fostering children because of ODHS's lack of support	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Dr. Edwinston will be an opinion appropriate pursuant to FRE 701.
ODHS's use or misuse of the Child and Adolescent Needs and Strengths (CANS) assessment, and the resulting outcomes, including opinions about those outcomes	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Dr. Edwinston will be an opinion appropriate pursuant to FRE 701.
How CANS assessments result in inappropriate placements, and specific aspects of the assessment process that lead to those results	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Dr. Edwinston will be an opinion appropriate pursuant to FRE 701.
"Oregon's provision of child welfare services is uniquely failing certain constituencies, including children in need of acute care and/or culturally appropriate and trauma-informed placement settings and mental health supports."	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Dr. Edwinston will be an opinion appropriate pursuant to FRE 701.

Dr. Roxanne Edwinston		
Testimony	Defendants' Objections	Plaintiffs' Response
Opinion and evaluation of Child X and any injuries or damages to Child X	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <b>FRCP 37(c):</b> exclusion for failure to disclose; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Dr. Edwinston will be an opinion appropriate pursuant to FRE 701. Please see Plaintiffs' response to Motion <i>in limine</i> relating to the FRCP 37(c) issue.

#### 6. Dr. Anne Farina (MSW, LICSW), Expert Witness – Page 12

Dr. Anne Farina		
Testimony	Defendants' Objections	Plaintiffs' Response
Expert reports dated December 15, 2023; March 1, 2024.	<i>See</i> defendants' <i>Daubert</i> motion; <b>FRE 802:</b> hearsay (if plaintiffs intend to introduce expert reports as evidence)	<i>See</i> Plaintiffs' responses to Defendants' <i>Daubert</i> motion; <i>see</i> responses to Defendants' objections to Plaintiffs' exhibits.

#### 7. Tracy Frazier (attorney), Fact Witness – Page 13

Tracy Frazier		
Testimony	Defendants' Objections	Plaintiffs' Response
A lack of placements in Columbia and Clatsop counties, and the inadequacy of existing placements	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Considerations relating to the placement of teenagers and the necessary level of care for that age group	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
The impact of the placement array on children with disabilities, and the resulting consequences to those children	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.



Tracy Frazier		
Testimony	Defendants' Objections	Plaintiffs' Response
"Unique burdens" on children with disabilities in rural communities and the "poor outcomes" for that group of children	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Anecdotal evidence of a five-year-old child who experienced a head injury while in care, which was determined to be unfounded, and the timing of Ms. Frazier's receipt of the reports related to this incident	<b>FRE 401:</b> lack of relevance (report was unfounded; no maltreatment occurred); <b>FRE 403:</b> unfairly prejudicial, misleading, speculative; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Anecdotal evidence relating to a teenager who was allegedly sexually abused by their caseworker, and the timing and circumstances of Ms. Frazier's receipt of information relating to the alleged assault	<b>FRE 401:</b> lack of relevance (the accused caseworker was not charged and never has been); <b>FRE 403:</b> unfairly prejudicial, misleading, speculative; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay <sup>1</sup> ; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Additional testimony upon entry of a revised protective order	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <b>FRCP 37(c):</b> exclusion for failure to disclose; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, please see response to Defendants' motion <i>in limine</i> addressing the FRCP 37(c) argument.
Belief that ODHS is and was intentionally withholding information from parties	<b>FRE 403:</b> unfairly prejudicial, misleading, speculative; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

<sup>1</sup> Plaintiffs specify that Ms. Frazier did not learn about either of her anecdotes from ODHS, any ODHS employees, or the Oregon Department of Justice. She learned them from other sources. Because of this, her anecdotes rely on no party-opponent statements at all.

**8. Sen. Sara Gelser Blouin (Chair, Oregon Senate Human Services Committee),  
Fact Witness – Page 16**

<b>Sen. Sara Gelser Blouin</b>		
<b>Testimony</b>	<b>Defendants' Objections</b>	<b>Plaintiffs' Response</b>
All listed topics (Ex. 5 at 2 (ECF 385-5 at 2)). <sup>2</sup>	<b>FRE 401:</b> lack of relevance to claims and defenses at issue in this case; <b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <b>FRCP 37(c):</b> exclusion for failure to disclose; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Senator Gelser Blouin will be an opinion appropriate pursuant to FRE 701.
Temporary lodging; Dynamic Life	<b>FRE 401:</b> lack of relevance to claims and defenses at issue in this case; <b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 408:</b> evidence of settlements is inadmissible to prove liability; <b>FRE 602:</b> lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <b>FRCP 37(c):</b> exclusion for failure to disclose; <i>see also</i> defendants' motions <i>in limine</i>	See responses above. In addition, Defendants' FRE 702 objection is improper as any opinion of Senator Gelser Blouin will be an opinion appropriate pursuant to FRE 701.

**9. Holly Hampton (resource parent), Fact Witness – Page 16**

<b>Holly Hampton</b>		
<b>Testimony</b>	<b>Defendants' Objections</b>	<b>Plaintiffs' Response</b>
Ms. Hampton's resource home is the only one in Clackamas County that will accept more than one teenager at a time	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.



<b>Holly Hampton</b>		
<b>Testimony</b>	<b>Defendants' Objections</b>	<b>Plaintiffs' Response</b>
Most Clackamas County teens are forced to go into shelters or more restrictive placements because no other options exist	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Clackamas County teens are pushed into "any place that has a bed" regardless of the fit	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Clackamas County fails to meet federal standards aimed at limiting placement disruptions	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
The alleged sexual abuse and maltreatment of a foster child in Ms. Hampton's home	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Lack of connection between caseworkers and children and young adults	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Participation in ODHS's Community Chats program and answers to her questions	<b>FRE 401:</b> lack of relevance; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

**10. K.H. (former foster child or young adult), Fact Witness – Page 18**

<b>K.H.</b>		
<b>Testimony</b>	<b>Defendants' Objections</b>	<b>Plaintiffs' Response</b>
Video referenced in witness statement	<b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

**11. Dr. Albyn Jones (professor emeritus), Expert Witness – Page 19**

<b>Dr. Albyn Jones</b>		
<b>Testimony</b>	<b>Defendants’ Objections</b>	<b>Plaintiffs’ Response</b>
Expert report dated March 1, 2024.	<i>See</i> defendants’ <i>Daubert</i> motion; <b>FRE 802</b> : hearsay (if plaintiffs intend to introduce expert reports as evidence)	There is no <i>Daubert</i> motion directed at Dr. Jones. Otherwise, see responses above.

**12. Resa Kee (Court-Appointed Special Advocate), Fact Witness – Page 20**

<b>Resa Kee</b>		
<b>Testimony</b>	<b>Defendants’ Objections</b>	<b>Plaintiffs’ Response</b>
Child Welfare has “failed” Child X and “harmed” that child, including his “prolonged and unnecessary” placement in residential settings and temporary lodging	<b>FRE 403</b> : unduly prejudicial and misleading; <b>FRE 602</b> : witness lacks personal knowledge; <b>FRE 701</b> : improper lay witness opinion; <b>FRE 701</b> : improper legal conclusion; <b>FRE 802</b> : hearsay; <b>FRCP 37(c)</b> : exclusion for failure to disclose; <i>see also</i> defendants’ motions <i>in limine</i>	See responses above; additionally, see plaintiffs response to defendants’ motions <i>in limine</i> specifically relating to the FRCP 37(c) issue.
Anecdote related to an “instance where ODHS did not know where Child X was placed due to frequent and undocumented moves,” and his “extreme isolation” during this time	<b>FRE 403</b> : unduly prejudicial and misleading; <b>FRE 602</b> : witness lacks personal knowledge; <b>FRE 701</b> : improper lay witness opinion; <b>FRE 701</b> : improper legal conclusion; <b>FRE 802</b> : hearsay; <b>FRCP 37(c)</b> : exclusion for failure to disclose; <i>see also</i> defendants’ motions <i>in limine</i>	See responses above; additionally, see plaintiffs response to defendants’ motions <i>in limine</i> specifically relating to the FRCP 37(c) issue.
ODHS “brushed off” placement options or “inappropriately” barred exploration of relative placements	<b>FRE 602</b> : witness lacks personal knowledge; <b>FRE 701</b> : improper lay witness opinion; <b>FRE 701</b> : improper legal conclusion; <b>FRE 802</b> : hearsay; <b>FRCP 37(c)</b> : exclusion for failure to disclose; <i>see also</i> defendants’ motions <i>in limine</i>	See responses above; additionally, see plaintiffs response to defendants’ motions <i>in limine</i> specifically relating to the FRCP 37(c) issue.

Resa Kee		
Testimony	Defendants' Objections	Plaintiffs' Response
ODHS's case management was poor and resulted in injury to Child X	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <b>FRCP 37(c):</b> exclusion for failure to disclose; <i>see also</i> defendants' motions <i>in limine</i>	See responses above; additionally, see plaintiffs response to defendants' motions <i>in limine</i> specifically relating to the FRCP 37(c) issue.
Child X had a disability that ODHS misidentified as a behavioral problem	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <b>FRCP 37(c):</b> exclusion for failure to disclose; <i>see also</i> defendants' motions <i>in limine</i>	See responses above; additionally, see plaintiffs response to defendants' motions <i>in limine</i> specifically relating to the FRCP 37(c) issue.
ODHS mishandled Child X's medication, which included "significant withdrawal effects" that aggravated his mental health conditions	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <b>FRCP 37(c):</b> exclusion for failure to disclose; <i>see also</i> defendants' motions <i>in limine</i>	See responses above; additionally, see plaintiffs response to defendants' motions <i>in limine</i> specifically relating to the FRCP 37(c) issue.
Instances of "suspected reports" of maltreatment of Child X, and the timing of Ms. Kee's receipt of related reports	<b>FRE 401:</b> lack of relevance (reports "suspected" maltreatment, which does not appear to have been confirmed); <b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <b>FRCP 37(c):</b> exclusion for failure to disclose; <i>see also</i> defendants' motions <i>in limine</i>	See responses above; additionally, see plaintiffs response to defendants' motions <i>in limine</i> specifically relating to the FRCP 37(c) issue.

Resa Kee		
Testimony	Defendants' Objections	Plaintiffs' Response
Child X has been deprived of services and educational opportunities and has been supervised by "untrained" staff, as well as being "deprived of basic childhood needs and activities"	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <b>FRCP 37(c):</b> exclusion for failure to disclose; <i>see also</i> defendants' motions <i>in limine</i>	See responses above; additionally, see plaintiffs response to defendants' motions <i>in limine</i> specifically relating to the FRCP 37(c) issue.
Undisclosed identity	<b>FRCP 37(c):</b> exclusion for failure to disclose; <i>see also</i> defendants' motions <i>in limine</i>	See responses above; additionally, see plaintiffs response to defendants' motions <i>in limine</i> specifically relating to the FRCP 37(c) issue.
K.H. received no services to "address her trauma," which resulted in maltreatment	<b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
K.H. was harmed and "abused" by the foster care system	<b>FRE 701:</b> improper legal conclusion; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Video referenced in witness statement	<b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

### 13. Judah Largent (attorney), Fact Witness – Page 22

Judah Largent		
Testimony	Defendants' Objections	Plaintiffs' Response
Child Welfare is "uniquely failing children with disabilities," including lacking sufficient caregivers and services, and over-relying on residential facilities	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay	See responses above.

Judah Largent		
Testimony	Defendants' Objections	Plaintiffs' Response
ODHS fails to ensure continuity of care for services after children are released from residential care, often resulting in problems like medication mismanagement	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
A "hot potato" phenomenon exists where children with disabilities remain untreated and end up in an "interminable placement transition" that results in them "languishing" in temporary lodging	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
In one unnamed child's case, the child experienced nearly 50 placements. This anecdote will be used to demonstrate systemic problems.	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <b>FRCP 37(c):</b> exclusion for failure to disclose; <i>see also</i> defendants' motions <i>in limine</i>	See responses above; additionally, see plaintiffs response to defendants' motions <i>in limine</i> specifically relating to the FRCP 37(c) issue.
Oregon's use of temporary lodging is "widely injurious" to children, including because children in temporary lodging are not "in care" for purposes of abuse reporting and investigations	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
ODHS's response to "perceived retaliation against children who disclose maltreatment"	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

Judah Largent		
Testimony	Defendants' Objections	Plaintiffs' Response
Child Welfare allows for too many placement turnovers, which result in loss of services and injuries to children and young adults in foster care	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
ODHS is "resistant" to producing abuse reports and assessments	<b>FRE 401:</b> lacks relevance because it does not relate to any claim or defense; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
ODHS fails to provide transition planning for children in foster care, including a specific child who was left homeless in the winter and told to "figure it out."	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <b>FRCP 37(c):</b> exclusion for failure to disclose; <i>see also</i> defendants' motions <i>in limine</i>	See responses above; additionally, see plaintiffs response to defendants' motions <i>in limine</i> specifically relating to the FRCP 37(c) issue.

#### 14. Caroline Moore (attorney), Fact Witness – Page 25

Caroline Moore		
Testimony	Defendants' Objections	Plaintiff's Response
ODHS has a "vast undersupply" of appropriate placements, especially for teenagers and high-needs children; ODHS caseworkers have observed this lack of placements	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

Caroline Moore		
Testimony	Defendants' Objections	Plaintiff's Response
Caseworkers "consistently fail" to complete timely assessments of children, sometimes not within six months of the initiation of the case	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Children "regularly do not receive" services, particularly with respect to mental health needs	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Anecdote related to an unidentified child who was ultimately placed with the Oregon Youth Authority after his probation was revoked, which Ms. Moore attributes to his lack of mental health services	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <b>FRCP 37(c):</b> exclusion for failure to disclose; <i>see also</i> defendants' motions <i>in limine</i>	See responses above; additionally, see plaintiffs response to defendants' motions <i>in limine</i> specifically relating to the FRCP 37(c) issue.
ODHS experiences a "revolving door" of caseworkers that results in low quality service provisions	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Ms. Moore is not always provided reports and information related to the cases of the children she represents	<b>FRE 401:</b> lacks relevance because it does not relate to any claim or defense; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.



Caroline Moore		
Testimony	Defendants' Objections	Plaintiff's Response
Testimony related to treatment records of Ms. Moore's undisclosed client	<b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <b>FRCP 37(c):</b> exclusion for failure to disclose; <i>see also</i> defendants' motions <i>in limine</i>	See responses above; additionally, see plaintiffs response to defendants' motions <i>in limine</i> specifically relating to the FRCP 37(c) issue.

**15. Kari Pinard (Executive Director CASA Voices for Children), Fact Witness – Page 27**

Kari Pinard		
Testimony	Defendants' Objections	Plaintiffs' Response
The numbers of children in care have been significantly reduced, and children entering care are "more traumatized than in years past" because of ODHS's delayed intervention and failure to appropriately respond to calls	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Children are not provided appropriate, stable placements, which is caused in part by a lack of training for resource families	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
ODHS does not provide support to resource families, appropriate respite care, or support plans	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Benton County has one of the most "severe" deficits of resource families in Oregon	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.



Kari Pinard		
Testimony	Defendants' Objections	Plaintiffs' Response
Placement deficits lead to trial home visits before a child's parent is ready because ODHS has "nowhere else to place the child."	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
ODHS's reliance on temporary lodging, the conditions and treatment of children in Dynamic Life, how ODHS uses Dynamic Life, Ms. Pinard's own interactions with the provider, and the lack of training of Dynamic Life staff	<b>FRE 401:</b> lack of relevance to claims and defenses at issue in this case; <b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 408:</b> evidence of settlements is inadmissible to prove liability; <b>FRE 602:</b> lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 702:</b> improper, undisclosed expert opinion; <b>FRE 802:</b> hearsay; <b>FRCP 37(c):</b> exclusion for failure to disclose; <i>see also</i> defendants' motions <i>in limine</i>	See responses above; additionally, see plaintiffs' response to defendants' motions <i>in limine</i> specifically relating to the FRCP 37(c) issue.
ODHS "compounds the trauma" of children in foster care by inadequately addressing their needs, including an inadequate administration of the CANS assessment	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
ODHS's contracts with service providers create a barrier to children receiving appropriate services, medication, and other necessary care	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
ODHS's Child Abuse Hotline does not provide reports about outcomes of reports of abuse, ODHS is "secretive" about its activities, and Child Welfare generally communicates poorly with CASA and others	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

Kari Pinard		
Testimony	Defendants' Objections	Plaintiffs' Response
Teens and young adults who age out of foster care do not receive the supports or benefits they need, and wait lists are too long for many children to access transition services	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

**16. S.S. (former foster child), Fact Witness – Page 32**

S.S.		
Testimony	Defendants' Objections	Plaintiffs' Response
Undisclosed identity	<b>FRCP 37(c):</b> exclusion for failure to disclose; <i>see also</i> defendants' motions <i>in limine</i>	See responses above; additionally, see plaintiffs response to defendants' motions <i>in limine</i> specifically relating to the FRCP 37(c) issue.
S.S. did not receive the services she needed to address her mental health and trauma	<b>FRE 701:</b> improper lay witness opinion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
S.S.'s out-of-state placement, including all allegations of the treatment and abuse that she received there	<b>FRE 401:</b> lack of relevance to any claim or defense (ODHS no longer places children in out-of-state residential facilities); <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

**17. Annette Smith (attorney), Fact Witness – Page 34**

Annette Smith		
Testimony	Defendants' Objections	Plaintiffs' Response
ODHS's lack of resource care providers results in it relying on expensive temporary lodging diversion homes or institutional placements for children with disabilities	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

Annette Smith		
Testimony	Defendants' Objections	Plaintiffs' Response
ODHS has "profound deficits" in its provision of services, including for mental health, developmental disabilities, and medication services	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
ODHS engages in poor assessment practices and poor casework	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
A Lane County Circuit Court Judge recently criticized ODHS for its discovery practices	<b>FRE 401:</b> lacks relevance because it does not relate to any claim or defense; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

## 18. Tahra Sinks, J.D. (attorney), Fact Witness – Page 35

Tahra Sinks		
Testimony	Defendants' Objections	Plaintiffs' Response
Ms. Sinks did not receive reports and other information regarding her client's alleged abuse by his resource parent, including screening reports and a forensic interview	<b>FRE 401:</b> not relevant to any claim or defense; <b>FRE 403:</b> unfairly prejudicial, misleading; <b>FRE 408:</b> settlement agreements are inadmissible; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

Tahra Sinks		
Testimony	Defendants' Objections	Plaintiffs' Response
ODHS continues to withhold maltreatment records relating to abuse occurring in resource homes	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

**19. Lindsay Soto, J.D. (attorney), Fact Witness – Page 37**

Lindsay Soto, J.D.		
Testimony	Defendants' Objections	Plaintiffs' Response
Mr. Soto did not receive reports and other information regarding his client's alleged abuse, including emails, screening reports, and other investigative materials	<b>FRE 401:</b> not relevant to any claim or defense; <b>FRE 403:</b> unfairly prejudicial, misleading; <b>FRE 408:</b> settlement agreements are inadmissible; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

**20. Dr. Sue D. Steib (LCSW), Expert Witness – Page 38**

Dr. Sue D. Steib		
Testimony	Defendants' Objections	Plaintiffs' Response
Expert reports dated December 9, 2019; December 15, 2023; March 1, 2024.	<i>See</i> defendants' <i>Daubert</i> motion; <b>FRE 802:</b> hearsay (if plaintiffs intend to introduce expert reports as evidence)	<i>See</i> Plaintiffs' responses to Defendants' <i>Daubert</i> motion; <i>see</i> responses to Defendants' objections to Plaintiffs' exhibits.

## 21. Gina Stewart (attorney), Fact Witness – Page 38

Gina Stewart		
Testimony	Defendants' Objections	Plaintiffs' Response
An “incredible” lack of resource placements exists in Douglas County, and the homes that do exist are often inappropriate for the children they house	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants’ motions <i>in limine</i>	See responses above.
Douglas County has a “dearth” of treatment providers, secondary supports, and access to transition services, primarily as a result of staff turnover	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants’ motions <i>in limine</i>	See responses above.
ODHS offices in Douglas County experience high turnover, which exacerbates the lack of services and supports for children	<b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants’ motions <i>in limine</i>	See responses above.
ODHS withholds information and records relating to maltreatment in care, including from children’s attorneys	<b>FRE 401:</b> lacks relevance because it does not relate to any claim or defense; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 802:</b> hearsay; <i>see also</i> defendants’ motions <i>in limine</i>	See responses above.

Gina Stewart		
Testimony	Defendants' Objections	Plaintiffs' Response
Mr. Soto did not receive reports and other information regarding his client's alleged abuse, including emails, screening reports, and other investigative materials	<b>FRE 401:</b> not relevant to any claim or defense; <b>FRE 403:</b> unfairly prejudicial, misleading; <b>FRE 408:</b> settlement agreements are inadmissible; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

**PLAINTIFFS' RESPONSE TO OBJECTIONS – SUPPLEMENTAL WITNESS  
STATEMENT**

**22. Lacey Andresen (Deputy Director of Child Welfare), Fact Witness – Page 2**

<b>Lacey Andresen</b>		
<b>Testimony</b>	<b>Defendants' Objections</b>	<b>Plaintiffs' Response</b>
Permanency workers are responsible to inform dependency parties about the child's medical status.	<b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Complex trauma and its cumulative effects can reach into adulthood.	<b>FRE 701:</b> improper lay witness opinion; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
During her work at DHS Marion County, Andresen did not observe a practice of meeting with foster parents, in contradiction of claims in the 2021 Vision for Transformation.	<b>FRE 401:</b> lack of relevance to any claim or defense; <b>FRE 403:</b> misleading; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Whether ODHS "responsibly" informs children's medical providers of abuse under Karly's Law is "far from clear."	<b>FRE 401:</b> lack of relevance to any claim or defense; <b>FRE 701:</b> improper legal opinion; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

**23. Sara Fox (Treatment Services Manager), Fact Witness – Page 3**

<b>Sara Fox</b>		
<b>Testimony</b>	<b>Defendants' Objections</b>	<b>Plaintiffs' Response</b>
The "sharp drops" in placement capacity across different treatment services resources.	<b>FRE 401:</b> lack of relevance to any claim or defense; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Testimony regarding day services, FOCUS services, independent living programs, and other non-residential services, and their pilot status (if applicable).	<b>FRE 401:</b> lack of relevance to any claim or defense; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

Sara Fox		
Testimony	Defendants' Objections	Plaintiffs' Response
Instructions to Ms. Fox's team from Child Welfare's Executive Leadership Team to remove "negative" words like "crisis," "gap," and "lack" from their communications, particularly with the Legislature.	<b>FRE 401:</b> lack of relevance to any claim or defense; <b>FRE 403:</b> misleading; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

#### 24. Kevin George (ODHS employee), Fact Witness – Page 4

Kevin George		
Testimony	Defendants' Objections	Plaintiffs' Response
Child Welfare has not "passed" its last three CFSRs	<b>FRE 401:</b> lack of relevance to any claim or defense; <b>FRE 701:</b> improper lay witness testimony; <b>FRE 701:</b> improper legal conclusion; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
"Concerns regarding the branch offices' fidelity to the SAFE home study"	<b>FRE 401:</b> lack of relevance to any claim or defense; <b>FRE 602:</b> witness lacks personal knowledge; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
The Child-Specific Certification process, and the fact that "DHS Central Office became aware that branch offices used the CSC process to certify providers unknown to children."	<b>FRE 401:</b> lack of relevance to any claim or defense; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Having the branch offices conduct their own child abuse investigations raised the potential for conflict, which went unaddressed.	<b>FRE 401:</b> lack of relevance to any claim or defense; <b>FRE 602:</b> witness lacks personal knowledge; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.



Kevin George		
Testimony	Defendants' Objections	Plaintiffs' Response
Sensitive Issue Reports were issued out of concern for media attention and to apprise agency leadership.	<b>FRE 401:</b> lack of relevance to any claim or defense; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

### 25. Hon. Daniel J. Wren

Hon. Daniel J. Wren		
Testimony	Defendants' Objections	Plaintiffs' Response
Judge Wren did not receive reports and other information regarding his client's alleged abuse, including screening reports and other investigative materials, and information that her resource parent had admitted to the abuse	<b>FRE 401:</b> not relevant to any claim or defense; <b>FRE 403:</b> unfairly prejudicial, misleading; <b>FRE 408:</b> settlement agreements are inadmissible; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper lay witness opinion; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

### 26. Dawn Hunter (Program Manager), Fact Witness – Page 6

Dawn Hunter		
Testimony	Defendants' Objections	Plaintiffs' Response
Concerns relating to the Sensitive Issue Report process, and the "lack of implementation" of recommendations as a result of those reviews.	<b>FRE 401:</b> lack of relevance to any claim or defense; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
"No changes in personnel, training, or practice occurred as a result of the serious instances of abuse in care."	<b>FRE 401:</b> lack of relevance to any claim or defense; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

<b>Dawn Hunter</b>		
<b>Testimony</b>	<b>Defendants' Objections</b>	<b>Plaintiffs' Response</b>
The process for informing relevant parties of maltreatment in care and who does or does not receive this information	<b>FRE 401:</b> lack of relevance to any claim or defense; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Instances of abuse of individual children in resource homes, including but not limited to two named plaintiffs	<b>FRE 401:</b> lack of relevance to claims and defenses at issue in this case; <b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 602:</b> lacks personal knowledge; <b>FRE 802:</b> hearsay; <b>FRCP 37(c):</b> exclusion for failure to disclose; <i>see also</i> defendants' motions <i>in limine</i>	See responses above; additionally, see plaintiffs response to defendants' motions <i>in limine</i> specifically relating to the FRCP 37(c) issue.
Placement capacity of resource homes in Marion County and certification process for placing children	<b>FRE 401:</b> lack of relevance to any claim or defense; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

**27. Rebecca Jones-Gaston (former Director of Child Welfare), Fact Witness – Page 8**

<b>Rebecca Jones-Gaston</b>		
<b>Testimony</b>	<b>Defendants' Objections</b>	<b>Plaintiffs' Response</b>
All testimony.	FRCP 27: perpetuation deposition (to the extent plaintiffs attempt to call Ms. Jones- Gaston as a live witness).	Plaintiffs do not intend to call Ms. Jones-Gaston as a live witness.
Testimony regarding Ms. Jones-Gaston's reactions to statements in a report by Casey Family Programs	<b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
Testimony regarding placement of children, number of placements, or effect of Vision for Transformation on placement array or services	<b>FRE 401:</b> lack of relevance to any claim or defense; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

**28. Fariborz Pakseresht (Director of ODHS), Fact Witness – Page 9**

<b>Fariborz Pakseresht</b>		
<b>Testimony</b>	<b>Defendants’ Objections</b>	<b>Plaintiffs’ Response</b>
The existence (or lack thereof) of “metrics of success” for the Vision for Transformation and any associated timelines	<b>FRE 401:</b> lack of relevance to any claim or defense; <b>FRE 403:</b> misleading; <i>see also</i> defendants’ motions <i>in limine</i>	See responses above.
Any prior statements by Governor John Kitzhaber	<b>FRE 403:</b> misleading; <b>FRE 802:</b> hearsay; <i>see also</i> defendants’ motions <i>in limine</i>	See responses above.
Testimony regarding Dynamic Life and temporary lodging, including related testimony before the Oregon Legislature, complaints from third parties, and funding for Dynamic Life	<b>FRE 401:</b> lack of relevance to any claim or defense; <b>FRE 403:</b> unduly prejudicial and misleading; <b>FRE 802:</b> hearsay; <i>see also</i> defendants’ motions <i>in limine</i>	See responses above.

**29. Melanie Parent (Foster Care Coordinator), Fact Witness – Page 12**

<b>Melanie Parent</b>		
<b>Testimony</b>	<b>Defendants’ Objections</b>	<b>Plaintiffs’ Response</b>
Statements contained in the 2018 Secretary of State Audit regarding the performance of Child Welfare	<b>FRE 802:</b> hearsay; <i>see also</i> defendants’ motions <i>in limine</i>	See responses above.
The use of the Child Specific Certification process and its relationship to the available placement array	<b>FRE 401:</b> lack of relevance to any claim or defense; <i>see also</i> defendants’ motions <i>in limine</i>	See responses above.
The process for Sensitive File Reviews and their availability to the public	<b>FRE 401:</b> lack of relevance to any claim or defense; <i>see also</i> defendants’ motions <i>in limine</i>	See responses above.
The Sensitive File Review related to the J.M. case	<b>FRE 401:</b> not relevant to any claim or defense; <b>FRE 403:</b> unfairly prejudicial, misleading; <b>FRE 408:</b> settlement agreements are inadmissible; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants’ motions <i>in limine</i>	See responses above.

**30. Michelle Pfeiffer (Child Welfare Legislative Coordinator) – Page 14**

<b>Michelle Pfeiffer</b>		
<b>Testimony</b>	<b>Defendants' Objections</b>	<b>Plaintiffs' Response</b>
Testimony relating to CPS investigations in the J.M. case	<b>FRE 401:</b> not relevant to any claim or defense; <b>FRE 403:</b> unfairly prejudicial, misleading; <b>FRE 408:</b> settlement agreements are inadmissible; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.
"[T]he bias and lack of independence of CPS investigations in the context of the desperate need for foster placements."	<b>FRE 403:</b> unfairly prejudicial, misleading; <b>FRE 602:</b> witness lacks personal knowledge; <b>FRE 701:</b> improper legal conclusion; <b>FRE 802:</b> hearsay; <i>see also</i> defendants' motions <i>in limine</i>	See responses above.

DATED this 29th day of April, 2024.

**DAVIS WRIGHT TREMAINE LLP**

By: s/ P. Andrew McStay, Jr.  
P. Andrew McStay, Jr. OSB 033997  
andymcstay@dwt.com  
William D. Miner, OSB 043636  
billminer@dwt.com  
560 SW 10th Avenue, Suite 700  
Portland, OR 97205  
Tel: (503) 241-2300

**A BETTER CHILDHOOD**

Marcia Robinson Lowry (*pro hac vice*)  
mlowry@abetterchildhood.org  
Anastasia Benedetto (*pro hac vice*)  
abenedetto@abetterchildhood.org  
Lindsay Gus (*pro hac vice*)  
lgus@abetterchildhood.org  
355 Lexington Avenue, Floor 16  
New York, NY 10017  
Tel: (646) 795-4456

**DISABILITY RIGHTS OREGON**

Emily Cooper, OSB 182254  
ecooper@droregon.org  
Thomas Stenson, OSB 152894  
tstenson@droregon.org  
511 SW 10th Avenue, Suite 200  
Portland OR 97205  
Tel: (503) 243-2081

**RIZZO BOSWORTH ERAUT PC**

Steven Rizzo, OSB 840853  
srizzo@rizzopc.com  
Mary D. Skjelset, OSB 075840  
mskjelset@rizzopc.com  
1300 SW 6th Avenue, Suite 330  
Portland, OR 97201  
Tel: (503) 229-1819

Attorneys for Plaintiffs